

PATENT
Serial No. 10/574,433
Reply Brief in Reply to Examiner's Answers of December 29, 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket

NEIL C. BIRD ET AL.

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Confirmation No. 9694

Serial No. 10/574,433

Group Art Unit: 2617

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Examiner: PATEL, M.C.

Title: RADIO SYSTEM WITH CONFIGURABLE LINKS

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APPELLANTS' REPLY BRIEF

Sir:

In response to the Examiner's Answers mailed on December 29, 2009, please consider the following remarks:

REMARKS

Appellants maintain the arguments submitted in the Appeal Brief filed on September 29, 2009 which is incorporated herein by reference. Further, Appellants refute the allegations made in the Examiner's Answer of December 29, 2009.

In particular, in the Response to Argument section 10, in the paragraph spanning pages 17-18 of the Examiner's Answer of December 29, 2009, starting on page 17, line 17, the Examiner correctly agrees that the communication system disclosed in U.S. Patent Application Publication No. 2003/0162556 (Libes) "will keep on listing if the data is not received." (Examiner's Answer, page 17, lines 14-15) However, it is alleged that "this feature of Libes is not a limiting feature as this is an additional check." (Examiner's Answer, page 17, lines 17-18)

Appellants strongly disagree that checking whether data is received is merely an additional check. While checking that data is received is indeed an additional check, this additional check is the linchpin of the Libes communication system and the deciding factor for establishing a link. Simply put, if data is NOT received, then a link is NOT established, no matter how long one

waits. This is clearly shown in FIG 23 of Libes where after checking whether data is received and determining that NO data is received, the process loops back to wait, transmit handshake data, wait and listen, and again determine whether data is received.

Accordingly, while Libes discloses to wait for a certain duration, NO link is established "in response to the duration exceeding a predetermined duration and the link is not already established," as recited in independent claim 1, and similarly recited in independent claims 9, 11, 22, 23 and 24. (Illustrative emphasis provided)

Based on the same reasons noted above, Appellants strongly disagree with the allegation noted on the Examiner's Answer, page 18, lines 12-17 that Libes:

teaches that it waits for N seconds to determine if the connection is to be created (as agreed by the applicant as well), and then creating connection, hence the examiner's interpretation of creation of a connection in response to listening for N seconds for reception of data (after verifying if the data is received) responsive to the transmitted handshake data (Libes: Fig 23 & ¶0045 clearly disclose waiting for milliseconds before checking for the reception of handshake data).

As discussed above, Libes does not create a connection or a link in response to waiting for a certain duration, but rather

Libes creates a connection in response to data reception, or as correctly noted in the above paragraph "after verifying if the data is received". Thus, if NO data is received, then NO connection is created, which clearly means that the connection is created in response to data reception, and NOT "in response to the duration exceeding a predetermined duration," as recited in independent claims 1, 9, 11, 22, 23 and 24. U.S. Patent No. 6,980,083 (Sako) and U.S. Patent No. 6,130,602 (O'Toole) are cited to allegedly show other features and do not remedy the deficiencies in Libes.

Accordingly, it is respectfully requested that independent claims 1, 9, 11, 22, 23 and 24 be allowed. In addition, it is respectfully submitted that claims 4-8, 10, 12-17, 19-21 and 25-27 should also be allowed at least based on their dependence from independent claims 1, 9, 11 and 24, as well as their individually patentable elements.

In addition, Appellants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, Appellants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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CONCLUSION

Claims 1, 4-17 and 19-27 are patentable over Libes, Sako and O'Tool.

Thus, the Examiner's rejections of claims 1, 4-17 and 19-27 should be reversed.

Respectfully submitted,

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